

ألا لا يزوج النساء إلا الأولياء ولا وزوجن إلا من الأكفاء ولا مهر  
أقل من عشرة دراهم

“No one is to marry women off except the guardians. They are not to be married except to those who are suitable. There is no dower less than ten dirhams.”<sup>1</sup>

This hadith has been objected to because it is weak. Therefore, it is not proper to use it as evidence. It was narrated by Mubashir ibn Ubaid, and he is weak, from al-Hajaaj ibn Artah and he committed *tadlees*.<sup>2</sup>

Second is what is recorded by al-Baihaqi through the chain of Shuraik on the authority of Dawood al-Audee on the authority of al-Shaabi on the authority of Ali (may Allah be pleased with him) who said, “The minimum that makes the private parts [of the wife] permissible is ten dirhams.” This proof is refuted because Dawood al-Audee is not trustworthy. Ibn Maeen said about him, “He is not worth anything.”<sup>3</sup>

Their third argument is that the amount must be something that reflects the greatness of making the private parts allowable. Just any amount of wealth would not meet that requirement. “The *shareeah* has stated the amount by which a part of the human may be taken and that is

<sup>1</sup> *Al-Sunan al-Kubra* by al-Baihaqi, vol. 7, p. 132; *al-Taleeq al-Mughni ala al-Daaraqutni*, vol. 3, hadith #11, Chapter on the dower.

<sup>2</sup> *Nasb al-Raayab li-Ahaadeeth al-Hidaayab* by al-Zaila'ee, vol. 3, p. 196, Chapter on having suitable mates in the book of marriage. [*Tadlees* (التدليس), lit., deception; with respect to hadith sciences, it has many variations. One of the most common is where Mr. A will say, “On the authority of Mr. X,” while, although Mr. A had heard hadith directly from Mr. X, he did not hear that particular hadith directly from Mr. X but through some intermediary source. If a narrator is known for committing frequent *tadlees*, his narration will not be accepted unless he explicitly shows that he heard the hadith directly from the one on whose authority he is narrating it. If he uses a vague term, such as *an* (“on the authority of”), his narration will not be accepted.]

<sup>3</sup> *Al-Sunan al-Kubra* by al-Baihaqi, vol. 7, p. 240, the Book of the Dower, Chapter on what is permissible as a dower.

ten dirhams, as in the case of the prescribed punishment for the thief, and it is that amount that must be paid to make the private parts legal.”<sup>1</sup>

This argument is refuted because the amount for which the hand of a thief is cut off has no relevance here. Marriage is sought for pleasure and love while cutting off the hand of a thief is a type of punishment. [So there is no analogy between the two.] Furthermore, why did they determine the amount [of the dower] according to what requires the hand to be cut off instead of the amount that the Messenger of Allah (peace be upon him) gave his wives as a dower or the minimum amount due to which one must pay zakat, which is two hundred dirhams or twenty dinars?<sup>2</sup>

The people of the second opinion support their view by the Quran and the sunnah. From the Quran, they quote the following verse:

وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلاً أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مِمَّا  
 مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ

“And whoever among you has not the means (*taul*) to wed free believing women, they may wed believing women from among those whom your right hands possess” (*al-Nisaa* 25). The argument from this verse is that Allah has laid down the condition of lack of means in order for one to marry a slave-girl, because not everyone possesses the means (which are stated as *taul* in the above verse). The meaning of *taul* here is wealth. The word “wealth” is not applied to less than three dirhams. Therefore, what is less than three dirhams does not qualify for a marriage.<sup>3</sup>

This argument is criticized because the meaning of *taul* in that verse is not just wealth. Its meaning is wider than that. It also refers to virtuousness and ability in both a spiritual and material sense. A man could have plenty of wealth, more than what is needed for a customary dower of a free woman, but women flee from him due to a shortcoming in his physical being or character and therefore he is not able to marry a

<sup>1</sup> *Al-Hidaayah* by al-Kaloodhaani al-Hanafi, vol. 2, p. 436.

<sup>2</sup> *Al-Umm* by al-Shafi'ee, vol. 2, p. 144; *al-Mughni*, vol. 8, p. 5; *Bidaayat al-Mujtabid* by ibn Rushd, vol. 2, p. 16.

<sup>3</sup> *Al-Muqadimaat wa al-Mumabidaat* by ibn Rushd, vol. 2, pp. 357-358.

free woman. Furthermore, he may not be able to fulfill the rights of a free woman other than the dower. Free women have many rights, such as maintenance, equality in multiple marriages and so forth. The slave does not have all of those rights. Therefore, lacking *taul* can actually manifest itself in many different ways.<sup>1</sup>

Their evidence from the sunnah is what is narrated from Anas (may Allah be pleased with him) that the Prophet (peace be upon him) saw Abdul Rahmaan ibn Auf wearing dyed clothing. He asked him, "What is this?" He answered, "I married a woman with a *nawaah* amount of gold [as the dower]." The Messenger of Allah (peace be upon him) told him,

بَارَكَ اللَّهُ لَكَ أَوْلِمَ وَلَوْ بِشَاةٍ

"May Allah bless you. Give a dinner party, even if with just a sheep."<sup>2</sup>

They say that *nawaah* among the people of Madinah was equivalent to one-quarter of a dinar.<sup>3</sup>

However, the argument based on this hadith is objected to because there is no evidence that what is stated in the hadith, one-quarter of a dinar, is the minimum for a dower. Just because there was a dower of that amount does not negate the possibility that less is permissible—unless there is a clear statement indicating that less than that is not sufficient but there is no such statement here.

The people of the third opinion, the Shafi'ees and Hanbalis, say that anything that is wealth or that can take the place of wealth is permissible as a dower. They use the Quran and sunnah to support their view. From the Quran, they quote the verse [that states after declaring which women a man cannot marry],

وَأَحِلَّ لَكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ

<sup>1</sup> *Tafseer al-Manaar* by Rasheed Ridha, vol. 5, p. 19; *al-Muballa*, vol. 11, pp. 100-101.

<sup>2</sup> Recorded by al-Bukhari (#5167), Book on Marriage, Chapter on a wedding feast even with just a sheep; Muslim (#1427), Book on Marriage, Chapter on the dower.

<sup>3</sup> *Nail al-Autaar* by al-Shaukaani, vol. 6, p. 178.

“and permissible for you is anyone other than those, as long as you seek them by your wealth” (*al-Nisaa* 24). The argument here is that the word “wealth” is stated in an unconditional sense and inclusive of both a small amount of wealth or a great deal of wealth.<sup>1</sup>

The objection to this argument is that the Quranic expression indicates that what is not *amwaal*<sup>2</sup> is not acceptable as a dower. Therefore, the condition is that the dower must be *amwaal*. This is the necessary and apparent meaning of the verse. Anyone who has just one or two dirhams cannot be called someone who has *amwaal*. Therefore, the necessary and apparent meaning of the verse is that the one or two dirhams is not acceptable as a dower.<sup>3</sup>

From the sunnah, they use the hadith,

من استحل بدرهم فقد استحل

“Whoever makes [the private parts] permissible by a dirham has made them permissible [in a legal way].”<sup>4</sup> Al-Haithami said [about the chain of narrators for this hadith], “It contains Yahya ibn Abdul Rahmaan ibn Abi Kabshah who is weak.”<sup>5</sup> This argument has also been objected to by noting that “there is no proof in this evidence as it is a report about having the right to the private parts and does not indicate that nothing else is obligatory concerning it.”<sup>6</sup>

Second, [they also use the following hadith as evidence]: Al-Shafi’ee narrated from Malik on the authority of Abu Haazim from Sahl ibn Saad that a woman came to the Prophet (peace be upon him) and

<sup>1</sup> *Al-Mughni*, vol. 8, p. 5.

<sup>2</sup> [This is the plural of the word *maal*, meaning wealth. There is no equivalent to such in English but since it is a plural, it implies at least three of something in Arabic.—JZ]

<sup>3</sup> *Abkaam al-Quran* by al-Jassaas, vol. 2, p. 170.

<sup>4</sup> Ibn Hajr, in *al-Fath*, vol. 9, p. 211, ascribes this hadith to ibn Abu Shaibah, in the midst of a number of hadith concerning which he says, “None of them are confirmed.”

<sup>5</sup> *Majma al-Zawaaid wa Manba al-Fawaaid* by al-Haithami, vol. 4, p. 281.

<sup>6</sup> [The author (may Allah have mercy on him) put that argument in quotes but did not ascribe it to anyone in a footnote. In any case, it is a very weak refutation. The important point is that the hadith is weak and cannot be used as an evidence in the *shareeah*.—JZ]

said, "O Messenger of Allah, I have offered myself to you [as a wife]." The Prophet (peace be upon him) then stayed standing for a long time. Then a man stood and said, "O Messenger of Allah, marry her to me if you are not in need of her." The Messenger of Allah (peace be upon him) then said, "Do you have anything that you can give as a dower to her?" He replied, "I have nothing but this loin cloth of mine." The Prophet (peace be upon him) then said, "If you give it to her, you will have to sit without a loin cloth for you. Seek something for her." He said, "I do not find anything." He said, "Seek something even if it is just a ring made of iron."<sup>1</sup>

The argument here is that "the Messenger of Allah (peace be upon him) allowed that man to give a ring made of iron for the dower. This indicates that the dower is proper whenever it is anything which may be called wealth."<sup>2</sup>

The objection to this argument is that here the Messenger of Allah (peace be upon him) was simply ordering the man to have part of the dower at the present time. This is what his speech was about. This is because if he were stating what would make the marriage valid, it would have been sufficient for him to tell the man that it is his responsibility to get such in the future. However, he specifically asked him about what he could prepare at the present [as a type of first portion of the dower]. This indicates that he was not stating what would be sufficient to make the marriage sound.<sup>3</sup>

However, this objection is responded to by referring to the previously mentioned two explanations: It is not allowed to understand what is mentioned in the two hadith as referring to the portion of the dower that is paid in advance because such an understanding goes against the normal case. Furthermore, giving a portion of the dower in advance and delaying the rest was not something known in the early periods of Islam.<sup>4</sup>

Their third piece of evidence is what is recorded by Abu Dawood and al-Tirmidhi on the authority of Aamir ibn Rabeeah that a

---

<sup>1</sup> This hadith was discussed earlier.

<sup>2</sup> *Al-Muballa*, vol. 11, pp. 104-105.

<sup>3</sup> *Abkaam al-Quran* by al-Jasaas, vol. 3, p. 86.

<sup>4</sup> *Athaar Aqd al-Zawaaj fi al-Shareeah al-Isaamiyah*, vol. 1, p. 132.

woman from the tribe of Fazaarah married with a dower of a pair of shoes. The Messenger of Allah (peace be upon him) asked her, “Is your soul and wealth content with a pair of shoes?” She said, “Yes,” so he permitted it.<sup>1</sup>

This proof is objected to because it is not proper to use it as an evidence because it is a weak hadith. Even assuming that it were authentic, a pair of shoes sometimes was worth more than ten dirhams, so there is no evidence in this hadith concerning this disputed matter.<sup>2</sup>

A fourth piece of evidence is what is recorded by al-Daaraqutni on the authority of Jaabir who said, “We used to get married during the lifetime of the Messenger of Allah (peace be upon him) with a handful of foodstuff [as the dower].”<sup>3</sup>

Those who say that anything that can be called a “thing” is acceptable as a dower even if it be a barley seed, that is, those of the fourth opinion, use as a proof what has been narrated from Sahl ibn Saad al-Saaidi that a woman came to the Prophet (peace be upon him) and said, “O Messenger of Allah (peace be upon him), I offer myself to you...” The hadith states that the Prophet (peace be upon him) said, “Seek something.” The man answered, “I do not find anything.” He told him, “Seek, even if it just be a ring made of iron.”<sup>4</sup> The statement, “Seek something,” encompasses anything that may be called a thing, even a barley seed.<sup>5</sup>

---

<sup>1</sup> *Sunan al-Tirmidhi*, vol. 3, p. 420, #1113, the Book on Marriage, Chapter on what has been narrated concerning the dowers of women; ibn Maajah, #1888, chapter on the dower from the Book on Marriage. Its chain contains Aasim ibn Ubaidullah ibn Aasim ibn Umar ibn al-Khattaab who is a weak narrator, as stated in *al-Taḡreeb*. It is stated in *Buloogh al-Maraam*, after stating that al-Tirmidhi called it *sabih*, that al-Tirmidhi is opposed in that matter. [Also according to al-Albaani, this hadith is weak. See Muhammad Naasir al-Deen al-Albaani, *Dhaeef Sunan al-Tirmidhi* (Beirut: al-Maktab al-Islaami, 1991), p. 129—JZ]

<sup>2</sup> *Ahkaam al-Quran* by al-Jassaas, vol. 3, pp. 88-89.

<sup>3</sup> *Sunan al-Daaraqutni*, vol. 3, p. 243, hadith #4, Chapter on the dower. In *al-Taleeq al-Mughni*, printed along with *Sunan al-Daaraqutni*, it states, “Its chain contains Yaqoob ibn Ata ibn Abi Ribaah al-Makki, who was declared weak by Ahmad. Abu Haatim called him ‘not strong.’” Abu Dawood records virtually the same wording (hadith #2110) from the narration of Abu al-Zubair on the authority of Jaabir, as a statement of Jaabir. However, that chain is also defective.

<sup>4</sup> That hadith was discussed earlier.

<sup>5</sup> *Al-Muballa*, vol. 11, p. 97; *Nail al-Autaar*, vol. 6, p. 167.

This argument is refuted because shortly after that, the Messenger of Allah (peace be upon him) stated, "Seek [something], even if it just be a ring made of iron." In these words, the Prophet (peace be upon him) was expressing one of the smallest things that he could get. However, even a ring made of iron has some value to it and it is definitely more costly than a barley seed.<sup>1</sup>

The fifth opinion states that the dower is valid as long as it is something of value, either material or non-material. This is the opinion with the strongest evidence. It is the opinion that combines all of the proofs available. It is also consistent with the proper *shareeah* meaning of the dower, in that the purpose of the dower is not simply an exchange of wealth. Instead, it is meant to be a token of the man's wanting that woman and the sincerity of his intention in coming together with her. This is usually conveyed by giving some type of wealth. However, it may be with anything that has value as long as the wife agrees to it.

In *Zaad al-Maad* [by ibn al-Qayyim], it states<sup>2</sup>,

In *Sunan al-Nasaai*<sup>3</sup> it is recorded that Abu Talha proposed to Umm Sulaim. She said to him, "By Allah, O Abu Talha, someone like you is not turned down. However, you are a man who is a disbeliever and I am a Muslim woman. It is not permissible for me to marry you. If you embrace Islam, that you will be my dower and I will not ask for anything besides that." Then he embraced Islam and that was her dower. Thaabit said, "We never heard of any woman who had a more honorable dower than Umm Sulaim. He consummated the marriage and she bore a child for him."

This hadith implies that there is no minimum value for the dower. A handful of fine flour, a ring made of iron and a

---

<sup>1</sup> *Nail al-Autaar*, vol. 6, p. 167.

<sup>2</sup> Vol. 5, p. 178 of the Muassasah al-Risaalah edition.

<sup>3</sup> *Sunan al-Nasaai*, vol. 6, p. 114, #3340 and 3341, the Book of Marriage, Chapter on getting married on the condition of Islam. The essence of the story can be found in the two *Sabibs* [of al-Bukhari and Muslim], although they contain a different narrative.

pair of shoes may all be acceptable as the dower and by which the wife becomes legal. The hadith also indicates that if a woman is pleased to accept the knowledge of her husband [that he will impart to her] and what he has memorized of the Quran or part of it as her dower, this is permissible. The benefit that she gets from his knowledge of the Quran and other knowledge will be her dower. Similarly, a slave master may designate the freeing of a slave-girl as her dower, in which case she benefits from her freedom and her possessions as her dower. This is what Umm Sulaim chose when she chose benefiting from Abu Talha's embracing of Islam. She would give herself to him if he were to embrace Islam and that was more beloved to her than any wealth that a husband spends. All of this is permissible because the dower has been instituted, in essence, as a right of the woman for her to benefit from.

If she is pleased to accept a person's knowledge, piety, embracing of Islam or his reading of the Quran, such a dower is from the most virtuous and beneficial types of dower. And the contract will not be void of a dower. Where is the ruling found in the texts [of the Quran and sunnah] that the dower must be at least three or ten dirhams? Analogy points to the soundness of the dower being any of the items that we have stated as well as the texts point to them.

The woman [who accepts such a dower] and the woman who gave herself to the Prophet (peace be upon him) are the same. The woman who gave herself to the Prophet (peace be upon him) did so without a guardian or dower, and this was a special privilege for the Prophet (peace be upon him) only. Our case is different. We marry with guardians and a dower. Even if the dower is not wealth, the woman can make it something else as she will be



receiving wealth in the form of maintenance. She does not give herself freely to the man like she might give part of her wealth as a gift. This is different from the case of the woman who gave herself to the Prophet (peace be upon him) and that was a special ruling for the Prophet (peace be upon him). Such is the necessary implication of those hadith.

Some differ with respect to part of that and they say that the dower must be wealth and it cannot simply be something that one can benefit from, such as the man's knowledge or his teaching. This is the view of Abu Hanifah and one narration from Ahmad. Some say that the dower must be at least three dirhams, like Malik's statement. Others, like Abu Hanifah, say ten dirhams. There are yet other strange opinions. However, none of them has any evidence for them from the Quran, sunnah, consensus, analogy or the statement of a Companion.

Anyone who claims that the hadith we mentioned are particular for the Prophet (peace be upon him) or have been abrogated or that the practice of the people of Madinah is in opposition to them, such arguments have no basis to them and the principles [of legal reasoning] refute those arguments.

In fact, the leader of the people of Madinah during the time of the Followers, Saeed ibn al-Musayyab, married his daughter off for just two dirhams. No one objected to that. Indeed, they considered that one of his virtues. Abdul Rahman ibn Auf got married with a dower of five dirhams and the Prophet (peace be upon him) approved of that. And there is no way to affirm any particular amount for the dower except from the one who received the revelation containing the *shareeah*.

## Extravagant Dowers: The Causes, Results and Ruling

### Preliminary Discourse

The dower is an obligatory right for the woman. The *shareeah* has made it an obligation as a token of the man's interest in the woman. It is one of the signs of love and a bond of compassion and mercy. It is an unavoidable obligation concerning which the man has no option but to give it. It is given as a sign of respect for his betrothed and a gesture to her honor, preciousness and esteem. Allah says in the Quran,

وَأْتُوا النِّسَاءَ صِدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا  
فَكُلُوهُ هَنِيئًا مَرِيئًا

“And give the women [upon marriage] their dowers graciously. But if they remit a portion willingly, then take it in satisfaction and ease” (*al-Nisaa* 4).

This does not mean that a woman is a piece of merchandise to be bought or sold. Instead, the dower is a token for her honor and esteem. It takes into consideration the woman's natural desire for items of pleasure and her eagerness for adornments. Furthermore, the giving of wealth indicates the husband's intent upon fulfilling his responsibilities and attending to her rights.

Islam awoke the people to consider the dower as a token and not as a price for the woman. Islam also exhorted the people not to be extravagant with respect to the dower and to go beyond the proper limits since, after all, the dower is not actually a goal in itself.

The Messenger of Allah (peace be upon him) was the excellent example. On this particular issue, he established for the Muslim nation a splendid practice, so that the reality of the matter would be well established in the sincere and thoughtful society and that the spirit of ease and simplicity would be well-known among the people. His (peace be upon him) simplicity when it came to the dower of his daughters is an obvious indication that he wanted to spread that understanding among